

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
NORTHERN DIVISION

JEFFERY JAMES JACKSON,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:05-cv-1138-MEF
)	WO
ELEANOR I. BROOKS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #11) to the Recommendation of the Magistrate Judge (Doc. #6) filed on January 25, 2006 is overruled;

2. The Recommendation of the Magistrate Judge entered on January 13, 2006 is adopted;

3. The plaintiff's claims against defendants Hartley and Smith arising from their representation of plaintiff during his criminal trial proceedings which occurred on or about February 14, 2000 and June 16/17, 2002 are DISMISSED with prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) as the complaint against these defendants is not filed within the time prescribed by the applicable period of limitations.

4. To the extent plaintiff's claims against defendants Hartley and Smith are not barred by the statute of limitations, his complaint, as amended, against these individuals are

DISMISSED as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i).

5. Defendants Hartley and Smith are DISMISSED as parties to this complaint.

6. To the extent plaintiff's complaint, as amended, challenges the constitutionality of his February 2000 and/or June 15/17, 2002 guilty pleas and convictions, this claim is DISMISSED without prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(ii).

7. This case is referred back to the Magistrate Judge for appropriate proceedings

DONE this the 30th day of January, 2006.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE